IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 208 OF 2005

SHRI ALBERT LEITAO,VARCA,SALCETE GOA ....Petitioner

Versus

STATE OF GOA THROUGH THE CHIEF SECRETARY AND 4 ORS., ...Respondents

Shri S.G.Bhobe,Advocate for the Petitioner.
Shri S.K. Kakodkar, Senior Advocate with Shri M.S. Joshi, Govt. Advocate for the State/Respondent No.1.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 26th September, 2005

P.C.:

Heard Shri S.G. Bhobe, the learned counsel for the Petitioner.

Perused the Order dated 18.6.2004 passed by the Goa Coastal Zone Management Authority at Panaji, Goa. On the complaint made by the Petitioner, the Goa Coastal Zone Management Authority issued a Notice to the respondent No.5 herein to show cause as to why the construction raised by them in Survey No.94/2 of Village Cavelossim be not ordered to be removed being in violation of CRZ Notification of 1991. Without going into the details of the previous Writ Petition filed by the petitioner, suffice it to say that the Authority, on the basis of the material produced on record and after hearing the parties including the petitioner, held that the subject structure was existing prior to the enforcement of CRZ Notification of 1991 and what was being done by the Respondent No.5 herein was the repairs thereof which was permissible. The complaint made by the petitioner cannot be converted into a lis between two parties. The Goa Coastal Zone Management Authority on consideration of the

material has found as a fact that the subject structure was in existence prior to coming into force of CRZ Notification of the year 1991 and accordingly did not violate the said Notification.

No case for invocation of writ jurisdiction is made out. Writ Petition is dismissed in limine.

R. M. LODHA, J.

N. A. BRITTO, J.

sl.